

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	KIM et al.	Examiner:	Holmes, Rex R.
Serial No.:	10/735,519	Group Art Unit:	3762
Filed:	December 12, 2003	Docket No.:	GUID.160PA
Confirmation No.:	1580	Customer No.:	51294
Title:	CARDIAC RESPONSE CLASSIFICATION USING MULTISITE SENSING AND PACING		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being transmitted to the U.S. Patent and Trademark Office via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4) on October 22, 2008.

By: Rennae Johnson
Rennae Johnson

AMENDED APPEAL BRIEF

Mail Stop Appeal Brief - Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notification of Non-Compliant Appeal Brief dated 10/02/2008. In connection therewith, the undersigned spoke by telephone with Patent Appeals Specialist Cassandra Paris on October 21, 2008, and pointed out the abnormality in claim numbering resulting from two different claims each numbered 44, and the omission of any claim numbered 49, in the originally filed claims. The undersigned proposed to revise Section III of the Brief, "Status of Claims", by adding an explanatory statement similar to the one included in the Amendment After Final under the Listing of Claims. Patent Appeals Specialist Paris agreed that such a revision would fully address the objections in the Notification of Non-Compliant Appeal Brief, and she indicated that Appellant need only submit a replacement page of the Section III of the Brief to satisfy 37 C.F.R. §41.37(d). Such a replacement page is therefore submitted herewith as an Amended Appeal Brief pursuant to 37 C.F.R. §41.37(d).

If necessary, authority is given to charge/credit deposit account 50-3581 (GUID.160PA) additional fees/overages in support of this filing.

III. STATUS OF CLAIMS

The original application as filed contained claims numbered 1 through 62, except that two different claims were inadvertently each numbered 44, and there was no claim numbered 49. Later in prosecution, the duplicative (second) claim number 44 was canceled (see Applicants' amendment of Sept. 11, 2006), claim 63 was added, and claims 24-34 and 61 were also later canceled. The claims were not renumbered in prosecution, and thus the claims of the present application are anomalous insofar as: (1) there continues to be no claim 49 even though no claim 49 was ever canceled, and (2) claim 44 is pending, even though a duplicative claim 44 was canceled.

Claims 1-23, 35-48, 50-60, 62, and 63 are thus currently pending in the application. Claims 24-34, duplicative claim 44, and claim 61 are canceled. Each of the pending claims has been finally rejected by the Examiner's action dated January 30, 2008 (hereinafter "Final Office Action"), from which Appellant appeals. All pending claims are therefore being appealed, and are listed in the Claims Appendix.

STATEMENT IN RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

The undersigned thanks Patent Appeals Specialist Paris for her time and attention in helping to resolve what action to take to correct the Appeal Brief. Appellant respectfully submits the replacement page (with page number “3” to correspond to the page number of original Section III) in response to the Notification of Non-Compliant Appeal Brief. Only the replacement page is submitted in compliance with MPEP 1205.03(B) and the instructions provided in the Notice.

Authorization to charge the undersigned’s deposit account is provided on the cover page of this brief.

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Respectfully submitted,

/Stephen C. Jensen/

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